

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

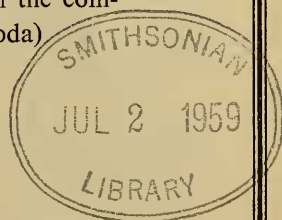
*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

**VOLUME 20. Part 35. Pp. 403—412**

## **OPINION 568**

Protection under the Plenary Powers of the specific  
name *obtusa* Montagu, 1803, as published in the com-  
bination *Bulla obtusa* (Class Gastropoda)



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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 568

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(Arranged in order of precedence by reference to date of election or of most recent re-election,  
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Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

## OPINION 568

### PROTECTION UNDER THE PLENARY POWERS OF THE SPECIFIC NAME "OBTUSA" MONTAGU, 1803, AS PUBLISHED IN THE COMBINATION "BULLA OBTUSA" (CLASS GASTROPODA)

**RULING :—**(1) Under the Plenary Powers the under-mentioned specific names are hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy :—

- (a) *alba* Kanmacher, 1798, as published in the combination *Voluta alba* ;
- (b) *regulbiensis* Kanmacher, 1798, as published in the combination *Bulla regulbiensis*.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 1371 :—

*Retusa* Brown (Captain T.), 1827 (gender : feminine) (type species, by selection by Iredale (T.) (1915) : *Bulla obtusa* Montagu, 1803)

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *obtusa* Montagu, 1803, as published in the combination *Bulla obtusa* (specific name of type species of *Retusa* Brown (Captain T.), 1827) (Name No. 1666) ;
- (b) *alba* Brown (Captain T.), 1827, as published in the combination *Volvaria alba* (Name No. 1667).

(4) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name No. 1282 :—

*Utriculus* Brown (Captain T.), [1844] (a junior homonym of *Utriculus* Schumacher, 1817, and (through the type selection made by Lemche (H.) (1957)) a junior objective synonym of *Retusa* Brown (Captain T.), 1827).

(5) The under-mentioned specific names are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *alba* Kanmacher, 1798, as published in the combination *Voluta alba*, as suppressed under the Plenary Powers in (1)(a) above (Name No. 596) ;
- (b) *regulbiensis* Kanmacher, 1798, as published in the combination *Bulla regulbiensis*, as suppressed under the Plenary Powers in (1)(b) above (Name No. 597).

(6) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name No. 273 :—

RETUSIDAE Thiele, 1931 (type genus : *Retusa* Brown (Captain T.), 1827).

## I. THE STATEMENT OF THE CASE

In the summer of 1948, Dr. Henning Lemche (*Universitetets Zoologiske Museum, Copenhagen*) drew attention to the fact that the specific name *obtusa* Montagu, 1803, as published in the combination *Bulla obtusa*, the long-established name for a well-known and common European Tectibranch, was a junior subjective synonym of two long-forgotten names of older date and under the normal operation of the *Règles* ought to be replaced by the older of these names. In Dr. Lemche's opinion there were, however, strong reasons against a disturbance in nomenclatorial practice in this way, and he considered that this was a case where the proper course would be for the Commission to invoke its Plenary Powers in the interest of nomenclatorial stability. Various circumstances made it impossible for a considerable time to arrange for the preparation of a formal application to the Commission for the grant of protection under its Plenary Powers to the specific name *obtusa* Montagu. However, in due course the difficulties encountered were overcome, and on 22nd November 1956, Dr. Lemche submitted to the Commission the following application:—

**Proposed use of the Plenary Powers to secure that the specific name “*obtusa*” Montagu, 1803, as published in the combination “*Bulla obtusa*”, shall be the oldest available name for the species currently known by that name (Class Gastropoda, Order Tectibranchiata)**

By HENNING LEMCHE

(*Universitetets Zoologiske Museum, Copenhagen*)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to secure that the specific name *obtusa* Montagu, 1803 (*Testacea brit.* : 223), as published in the combination *Bulla obtusa*, shall be the oldest available name for the species currently known by that name. The species concerned is a common European Tectibranch which has been known by the name *obtusa* Montagu for over a hundred and fifty years. It would be very undesirable that this practice should be overthrown by the resurrection of some long-forgotten name of older date. In the present case the end desired will require the suppression by the Commission under its Plenary Powers of two older subjective synonyms. These names are (a) *alba* Kanmacher (F.), 1788 (in Adams (G.), *Essays Microscope* (Ed. 2) : 639, pl. 14, fig. 27), as published in the combination *Voluta alba*; (b) *regulbiensis* Kanmacher, 1798 (*ibid* : 640, pl. 14, fig. 28), as published in the combination *Bulla regulbiensis*.

2. The uninterrupted use of the specific name *obtusa* Montagu was first challenged in 1915 (*Proc. malac. Soc. Lond.* 11 : 300–301), in a paper by Iredale, the relevant portion of which reads as follows:—

Montagu, when he introduced his *Bulla obtusa*, recorded as synonyms “*B. regulbiensis*, Turt. Lin. v. p. 351. Adams Micr. 14, fig. 28”. Upon comparison I rejected this determination, the figure quoted seeming indeterminable. Montagu later, in the Suppl., 1808, p. 101, noted that Walker erroneously sent him *Bulla obtusa* under the name of *Voluta alba*. Referring to Walker I found a good figure there given, and can only conclude Montagu has confused the two names *regulbiensis* and *alba*. For, while the former, which Montagu recorded as his *obtusa*, is not that species, the latter, which Montagu denied, is undoubtedly this shell. I am not alone



in this identification, as Forbes & Hanley, without doubt, quote Walker's figure 61 for Montagu's species. Walker's book, the correct quotation for which is Boys & Walker, *Test min. rar.*, 1784, is non-binominal<sup>1</sup>, but in the second edition of the *Essays on the Microscope* by G. Adams, Kanmacher added a chapter on minute shells, and stated that the correct names had been given him by Jacobs. A plate is given, and the figures are copies of those provided by Boys & Walker. There, on pl. XIV, fig. 27, appears a copy of their fig. 61, and in the text, p. 639, it is named *Voluta alba*. This is followed by *Bulla regulbiensis*, so even if it were concluded that these were the same, the former has priority.

The correct name for the type of *Retusa*, then, is *Voluta alba* Kanmacher, *Essays Microsc.* (G. Adams) 2nd edit. p. 639, pl. XIV, fig. 27, 1798 (*ex Jacobs MS.*).

3. I am in general agreement with the analysis of the facts as set out in the passage from Iredale's paper quoted in the preceding paragraph but I disagree completely with his conclusion that because of those facts the well-known name *obtusa* Montagu should be discarded in synonymy in favour of the unknown and confusing name *alba* Kanmacher. There are exceedingly strong grounds on the basis of usage against the adoption of such a course. Before discussing these, however, it will be well to take note of two special considerations peculiar to the present case which, quite apart from the question of usage, would lay the adoption of the name *alba* Kanmacher open to the strongest objection. These are explained in the immediately following paragraphs.

4. The problems involved in the interpretation of the nominal species *Voluta alba* Kanmacher, 1798, and *Voluta regulbiensis* Kanmacher, 1798, are extremely difficult and, while, as explained above, I believe that Iredale's treatment of these nominal species is correct, the difficulties involved are such that there must always be some doubt as to the correctness of the arguments on which these identifications are based. The adoption of either of these names for so well-known and so common a species as *obtusa* Montagu would therefore be especially objectionable, as it could not be expected to secure a stable and generally accepted name for that species.

5. The adoption of the name *alba* Kanmacher in place of *obtusa* Montagu would give rise to most serious confusion by reason of the fact that there is a common and well-known species bearing the same name which occurs in the same area and which belongs to a genus (*Cylichna* Lovén, 1846, *Ofvers. K. Vetens. Akad. Forhandl.*, Stockholm 3 (No. 5) : 142) the members of which cannot be separated by their shells from the species belonging to the genus (*Retusa* Brown) of which *obtusa* Montagu is the type species (paragraph 8 below). It is not necessary to stress the intolerable confusion which would be inevitable if in each of these superficially inseparable genera there was a species bearing the name *alba* as its valid specific name. The species of *Cylichna* here in question is *Cylichna alba* (Brown (Captain T.), 1827) (= *Volvaria alba* Brown (Captain T.), 1827, *Ill. rec. Conch. Gt. Brit. Ireland* : pl. 38). As already noted, this is a well-known species and as the name *alba* Brown is the oldest available specific name for it, that name should now be placed on the *Official List of Specific Names in Zoology*.

<sup>1</sup>An application in regard to the status to be accorded to this work was subsequently submitted by Dr. Lemche. This application led to the rejection by the Commission of this work for nomenclatorial purposes by the Ruling given in *Opinion 558* (1959, *Ops. Decls. int. Comm. zool. Nomencl.* 20 : 277-282).

6. It is necessary now to consider the question of the relative usage in the literature of the specific names *obtusa* Montagu and *alba* Kanmacher respectively. Full particulars under this head are given in a paper by myself entitled "Northern and Arctic Tectibranch Gastropods I. The Larval Shell ; II A Revision of the Cephalospid Species" published in 1948 (*K. dansk vidensk. Selsk., Biol. Skr.* 5 (No. 3) : 84-85). It will be seen from the particulars there given that of the 96 papers listed the name *obtusa* was used in 89 and the name *alba* in only seven. Further in the forty years which have elapsed since the publication of Iredale's paper only four authors have followed him in rejecting the name *obtusa* Montagu in favour of *alba* Kanmacher. The name *regulbiensis* Kanmacher has not been used in place of *obtusa* Montagu by any author, either before or since the publication of Iredale's paper, having indeed made only two appearances in the whole literature (1827 and 1848 respectively), on each of these occasions having been used in a sense different from that of Kanmacher. On the ground of usage the case for preserving the name *obtusa* Montagu is therefore overwhelming. I accordingly recommend that this end be secured by the suppression by the Commission under its Plenary Powers of the specific names *alba* Kanmacher, 1798, as published in the combination *Voluta alba*, and *regulbiensis* Kanmacher, 1798, as published in the combination *Bulla regulbiensis*.

7. Having now examined the problems involved at the specific-name level in the present case it is necessary to turn to the problems requiring attention at the generic-name and family-group-name levels.

8. The oldest available name for the genus containing the nominal species *Bulla obtusa* Montagu is *Retusa* Brown (Captain T.), 1827, *Ill. rec. Conch. Gt. Brit. Ireland* : pl. 38). Three nominal species were then placed in this genus by Brown, namely, two new nominal species (*Retusa plicata* and *Retusa discors*) and *Bulla obtusa* Montagu. The two nominal species introduced by Brown when establishing his genus *Retusa* are evidently either the fry of, or individual variations of, *Bulla obtusa* Montagu and this view has been accepted by all authors subsequent to Brown who have examined this question. From the taxonomic point of view the genus *Retusa* Brown has thus been effectively monotypical from the time of its original establishment. The first author formally to select one of the originally included species to be the type species of *Retusa* Brown was Iredale who in 1915 (*Proc. malac. Soc. Lond.* 11 : 300) so selected *Bulla obtusa* Montagu. (It may be noted at this point that in 1893 (in Tryon, *Man. Conch.* 15 : 294) Pilsbry selected *Bulla truncatella* Bruguière, [1792] (*Ency. méth.*, Vers 1(2) : 377) to be the type species of *Retusa* Brown but that, as this was not one of the nominal species originally included in that genus, that selection is invalid.) In [1844] (*Ill. rec. Conch. Gt. Brit. Ireland* (ed. 2) : 58, pl. XIX) Brown rejected both his name *Retusa* and his name *Diaphana*, referring the species which he had originally placed in those genera to a new nominal genus to which he gave the name *Utriculus*. This name was later used by a few authors in place of *Retusa* but it does not appear that anyone has ever formally selected a type species for this genus. This is no doubt because of the fact that it was early realised that *Utriculus* Brown, [1844], was invalid as being a junior homonym of *Utriculus* Schumacher, 1817 (*Essai Vers test.* : 62, 203). In order, however, to assign a definite place in the literature to the name *Utriculus* Brown, I now select *Bulla obtusa* Montagu, 1803, from among the originally included nominal species to be the type species of *Utriculus* Brown, thereby making that generic name a junior objective synonym of *Retusa* Brown, 1827.

9. In view of the close superficial similarity between species of the genus *Retusa* Brown and those of the genus *Cylichna* Lovén (paragraph 5 above) it is desirable that the present opportunity should be taken to place the latter name as well as the name *Retusa* Brown on the *Official List of Generic Names in Zoology*. The type species of *Cylichna* Lovén is *Bulla cylindracea* Pennant, 1777 (*Brit. Zool.* (ed. 4) 4 : 100, 117) by selection by Wickworth (R), 1932 (*J. Conch.* 19 : 232). The specific name of the type species of this genus is the oldest available name for the species concerned and should therefore now be placed on the *Official List of Specific Names in Zoology*.

10. The genus *Retusa* Brown is the type species of the currently accepted family RETUSIDAE. This family-group name, which was originally published in the correct form by Thiele in 1931 (*Handb. syst. Weichthier-k* 1 : 189), should now be placed on the *Official List of Family-Group Names in Zoology*.

11. For the reasons set out in the present application, I now ask the International Commission on Zoological Nomenclature :—

(1) to use its Plenary Powers to suppress the under-mentioned specific names for the purposes of the Law of Priority but not for those of the Law of Homonymy :—

(a) *alba* Kanmacher, 1798, as published in the combination *Voluta alba* ;

(b) *regulbiensis* Kanmacher, 1798, as published in the combination *Bulla regulbiensis* ;

(2) to place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—

(a) *Retusa* Brown (Captain T.), 1827 (gender : feminine) (type species, by selection by Iredale (1915) : *Bulla obtusa* Montagu, 1803) ;

(b) *Cylichna* Lovén, 1846 (gender : feminine) (type species, by selection by Winckworth (R.) (1932) : *Bulla cylindracea* Pennant, 1777) ;

(3) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—

(a) *obtusa* Montagu, 1803, as published in the combination *Bulla obtusa* (specific name of type species of *Retusa* Brown (Captain T.), 1827) ;

(b) *cylindracea* Pennant, 1777, as published in the combination *Bulla cylindracea* (specific name of type species of *Cylichna* Lovén, 1846) ;

(c) *alba* Brown (Captain T.), 1827, as published in the combination *Volvaria alba* ;

(4) to place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* : *Utriculus* Brown (Captain T.), [1844] (a junior homonym of *Utriculus* Schumacher, 1817, and a junior objective synonym of *Retusa* Brown (Captain T.), 1827) ;

(5) to place on the *Official Index of Rejected and Invalid Specific Names in Zoology* the two specific names specified in (1) above as there proposed to be suppressed under the Plenary Powers ;



- (6) to place the following family-group name on the *Official List of Family-Group Names in Zoology*: RETUSIDAE Thiele, 1931 (type genus: *Retusa* Brown (Captain T.), 1827).

## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the difficulties arising in connection with the specific name *obtusa* Montagu, 1803, as published in the combination *Bulla obtusa*, being brought to light, the problem so disclosed was allotted the Registered Number Z.N.(S.) 379.

**3. Publication of the present application :** The present application was sent to the printer on 5th December 1956 and was published on 26th August 1957 in Part 12 of Volume 12 of the *Bulletin of Zoological Nomenclature* (Lemche (H.), 1957, *Bull. zool. Nomencl.* 12 : 323-327).

**4. Issue of Public Notices :** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51-56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 26th August 1957 (a) in Part 12 of Volume 12 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Lemche's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to one specialist serial.

**5. Emergence of certain difficulties in connection with the generic name "Cylichna" Lovén, 1846 :** In a communication dated 26th September 1957, Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*), after stating that he wished "to go on record as approving and supporting this application in principle", said that, in his opinion, the case of the generic name *Cylichna* Lovén, 1846; the second of the two generic names which entered into this case was more complex than had previously appeared. On being consulted by the Office of the Commission, Dr. Lemche agreed that there were matters affecting the above generic name which required further investigation, expressed the view that the best course would be to detach this question from the main part of the present case, namely that concerned with the protection of the specific name *obtusa* Montagu, and offered himself to submit a detailed application on the *Cylichna* question at a later date (correspondence ending 27th March 1958).

**6. No objection received in regard to the proposals relating to the name "obtusa" Montagu, 1803 :** So far as the proposals submitted in regard to the specific name *obtusa* Montagu, 1803 (*Bulla*), were concerned no objection was received from any source.

**7. Withdrawal in March 1958 of the "Cylichna" problem from the scope of the present application :** On 29th March 1958, Mr. Hemming as Secretary, executed a Minute directing that the problems associated with the generic name *Cylichna* Lovén be detached from the present application for further examination of the issues involved. At the same time the documents relating to the foregoing matter were re-registered under the Number Z.N.(S.) 1342.

**8. Submission to the Commission by the Secretary of a Report on the procedure proposed to be adopted in the present case :** On 1st April 1958, Mr. Hemming prepared for the information of the Commission a brief Report on the action



which he had taken for dealing with the situation created by the discovery of certain unexpected difficulties in connection with the generic name *Cylichna* Lovén, 1846. At the same time Mr. Hemming gave directions that the Report so prepared be annexed as Note 3 to the Voting Paper to be issued in the present case. The Report thus submitted by Mr. Hemming was as follows :—

3. *A proposed partial postponement* : Certain additional problems have come to light in connection with the generic name *Cylichna* Lovén, 1846, which require examination. On the suggestion of the applicant this part of the present case, which is quite self-contained, has been temporarily withdrawn but will be resubmitted as soon as the necessary investigations, now in hand, have been completed. The proposals so withdrawn are those numbered (2)(b) [proposed addition of *Cylichna* Lovén to the *Official List*] and (3)(b) [proposed addition of the specific name of the type species of *Cylichna* Lovén to the *Official List*] in paragraph 11 of the application submitted.

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

9. **Issue of Voting Paper V.P.(58)13** : On 3rd April 1958 a Voting Paper (V.P.(58)13) was issued in which the Members of the Commission were invited to vote either for, or against, “the proposal relating to the specific name *obtusa* Montagu, 1803, as published in the combination *Bulla obtusa* (Class Gastropoda), and associated names, as set out in Points (1) to (6) in paragraph 11 on pages 326 and 327 of Volume 12 of the *Bulletin of Zoological Nomenclature* [i.e. the Points numbered as above in paragraph 11 of the paper reproduced in the first paragraph of the present *Opinion*], subject to the deletion therefrom of the portions specified in Note 3 overleaf” [the text of which has been reproduced in paragraph 8 above].

10. **The Prescribed Voting Period.** : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 3rd July, 1958.

11. **Particulars of the Voting on Voting Paper V.P.(58)13** : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(58)13 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-one (21) Commissioners (arranged in the order in which Votes were received)* :

Holthuis ; Prantl ; Hering ; Vokes ; Lemche ; Boschma ; Bodenheimer ; Dymond ; Mayr ; Mertens ; do Amaral ; Sylvester-Bradley ; Bradley (J.C.) ; Hemming ; Key ; Stoll ; Kühnelt ; Jaczewski ; Cabrera ; Tortonese ; Riley ;

(b) *Negative Votes* :

None ;

(c) *On Leave of Absence, one (1)* :

Miller ;

(d) *Voting Papers not returned, two (2)* :

Bonnet ; Hankó.

12. **Declaration of Result of Vote** : On 4th July 1958, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(58)13, signed a Certificate that the Votes cast were as set out in paragraph 11 above and declaring that the proposal submitted in the

foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**13. Preparation of the Ruling given in the present "Opinion" :** On 8th July 1958, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(58)13.

**14. Original References for Generic and Specific Names :** The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

*alba*, *Voluta*, Kanmacher, 1798, in Adams (G.), *Essays Microsc.* (ed. 2) : 639, pl. 14, fig. 27

*alba*, *Volvaria*, Brown (Captain T.), 1827, *Ill. rec. Conch. Gt. Brit. Ireland* : pl. 38, fig. 43

*obtusa*, *Bulla*, Montagu, 1803, *Test. brit.* : 223

*regulbiensis*, *Bulla*, Kanmacher, 1798, in Adams (G.), *Essays Microsc.* (ed. 2) : 640, pl. 14, fig. 28

*Retusa* Brown (Captain T.), 1827, *Ill. rec. Conch. Gt. Brit. Ireland* : pl. 38

*Utriculus* Brown (Captain T.), [1844], *Ill. rec. Conch. Gt. Brit. Ireland* (ed. 2) : 58, pl. XIX

**15. Selection of type species for nominal genera :** The following are the references for the selection of type species for nominal genera specified in the Ruling given in the present *Opinion* :—

For *Retusa* Brown (Captain T.),  
1827

Iredale (T.), 1915, *Proc. malac.*  
*Soc. Lond.* **11** : 300

For *Utriculus* Brown (Captain T.),  
[1844]

Lemche (H.), 1957, *Bull. zool.*  
*Nomencl.* **12** : 326

**16. Original Reference for a Family-Group Name :** The following is the original reference for the family-group name placed on the *Official List* by the Ruling given in the present *Opinion* :—

RETUSIDAE Thiele, 1931, *Handb. syst. Weichthier-k.* **1** : 189

**17. Compliance with Prescribed Procedures :** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

**18. "Opinion" Number :** The present *Opinion* shall be known as *Opinion* Five Hundred and Sixty-Eight (568) of the International Commission on Zoological Nomenclature.

DONE in London, this Eighth day of July, Nineteen Hundred and Fifty-Eight.

*Secretary to the International Commission  
on Zoological Nomenclature*  
**FRANCIS HEMMING**